UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,329	02/13/2002	Peter Kenneth Attwood	19111.0072	4553

23517	7590	08/21/2006

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EXAMINER
TRUONG, LECHI

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/073,329	ATTWOOD, PETER KENNETH
		Examiner	Art Unit
		LeChi Truong	2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *26 May 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-9* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-9* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-9 are presented for the examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims **1, 2, 4-5, 7-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Zimmerman (Method of Dynamically Appending A Library to an Active Running Program) in

view of Admitted Prior Art (APA).

5.   **As to claim 1**, Zimmerman teaches the invention substantially as claimed including: a

first data handling application (the application program, para [0005], ln 3-7 to para [0005], ln 7-

10), a second data handling application (the dynamic library, para [0005], ln 3-7 to para [0005],

ln 7-10), call routine (a function call, para [0005], ln 7-10), at least one call routine which is

executed when the second data handling application is operated (para [0001], ln 8-12), a software

routine (call library routine to perform functions, para[0001], ln 1-8), determining the presence

of the second data handling application and, if it is present generating a link to a software

routine(The static library 30 passes application calls through to a found DLL. The DLL, in

contrast, actually implements all of the API calls of the application, para [0021], ln 4-10), If the

DLL is missing or determined to be incorrect version (ie., no supporting DLL is found) 56, the

application interface return 64.... At this point, the calling application may ask the user if the

updated DLL should be downloaded... download the update DLL from the Web server 14... The

application interface 40 then transfers calls directed to a method within the object on the DLL

interface 42, which passes the calls on to the updated DLL 32(now DLL 32, once stored on the

user's machine, para [0025], ln 1-17/ right col 4, ln 41-49/ para [0045], ln 40-48), which will be

executed by the call routine in the second data handling application (para [0001], ln 1-12).

6.   Zimmerman does not explicitly teach installed the first and second data handling

application as self-contained. However, APA teaches installed the first and second data handling

application as self-contained (seft-contained applications, page 1, ln 7/ a Human resource (HR)

application has been installed, page 1, ln 22-23/ the HR team responsible for the employee data

application, page 1, ln 35-37/ page 2, ln 25-30).

7.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Zimmerman and APA because APA's installed the first

and second data handling application as self-contained would improve the flexibility of

Zimmerman's system by allowing the database system associated with APIs to maintain

employee data in the application.

8.   **As to claim 2,** Zimmerman teaches source code defining the software routine for

automatic implementation by the second data handling application (para [0001], ln 8-12).

9.   **As to claim 4,** Zimmerman teaches the call routine is only implemented by the second

data handling application under certain predetermined conditions (para [0045], ln 40-50, if the

library is present, passing the function call to the library for execution).

10. **As to claims 5, 7- 9,** they are apparatus claims of claims 1, 2, 4; therefore, they are

rejected for the same reasons as claims 1, 2, 4 above.

11.   Claims 3, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman

(Method of Dynamically Appending A Library to an Active Running Program) in view of

Admitted Prior Art (APA), as applied to claim 1 above, and further in view of Burns et al (US.

Patent 6,088,694).

12. **As to claim 3,** Zimmerman and APA do not explicit teach the software routine controls a

data modification operation by the second data handling application in dependence upon data

stored in the first data handling application. However, Burns teaches the software routine

controls a data modification operation by the second data handling application in dependence

upon data stored in the first data handling application (an application user of the computing

system 10 issues an SQL Insert, SQL delete, or SQL update call in the database, the DBMS

detects that this operation occur on a column of type datalink, col 9, ln 1-5).

It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to combine the teaching of Zimmerman, APA and Burns because Burns's

the software routine controls a data modification operation by the second data handling

application in dependence upon data stored in the first data handling application would improve

the flexibility of Zimmerman and APA's systems by allowing efficiency managing access and

control over data that is linked to a database system.

13.   **As to claim 6**, it is an apparatus claim of claim 3; therefore, it is rejected for the same

reason as claim 6 above.

Response to the argument:

29.   Applicant amendment filed on 05/26/2006 has been considered but they are not
persuasive:

Applicant argued in substance that :

(1) " The reconignition in the APA of the existence of self-contained programs would

not properly motivate one of skill in the art to make a library that includes the " self-contained

data handling application".

(2) " the present invention requires that the claimed process is initiated upon installation

of an application that is not already installed".

(3) " the present invention requires determining the present of the previouly installed

application(the second application)".

(4) " the presnt invention requires that, if the previously installed application is presend, a

link to a software routine provides by the application that is beinng installed is generated".

30.   Examiner respectfully disagreed with Applicant's remarks:

As to the point (1), Both referrence of the APA and Zimmerman teaches the second

application can implement the call from the first application. APA does not teach determining

the presence of the second application, if it is present generationg a link to a software provided

by. However, Zimmerman teaches The static library 30 passes application calls through to a

found DLL. The DLL, in contrast, actually implements all of the API calls of the application,

para [0021](ln 4-10).

As to the point (2), Zimmerman teaches if it is determined that the dynamic library does

not reside on the computer system... loading and attaching dynamic library (right col 4, ln 41-

49).

As to the point (3), the previously installed application was in the preamble and was not

in the body of claim. However, Zimmerman teaches If the DLL is missing or determined to be

incorrect version (ie., no supporting DLL is found) 56, the application interface return 64.... At

this point, the calling application may ask the user if the updated DLL should be downloaded...

download the update DLL from the Web server 14... The application interface 40 then transfers

calls directed to a method within the object on the DLL interface 42, which passes the calls on to

the updated DLL 32(now DLL 32, once stored on the user's machine, para [0025], ln 1-17/ right

col 4, ln 41-49/ para [0045], ln 40-48), which will be executed by the call routine in the second

data handling application (para [0001], ln 1-12).

At to the point (4), Zimmerman teaches the static library 30 passes application calls

through to a found DLL. The DLL, in contrast, actually implements all of the API calls of the

application, Para [0021](ln 4-10). The found DLL is the DLL, which was determined to present

in the computer.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The

examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR of Public PAIP. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIP

system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

August 17, 2006

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